

REMARKS

Reconsideration and withdrawal of the rejections and objections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

In response to the Final Office Action mailed June 10, 2010, Claims 28-29 stand pending. Claims 28-29 are herein canceled without prejudice and Claims 30-31 are herein newly presented. Claims 30-31 thus stand pending for further examination. Support for the amendments may be found in the originally filed claims and the specification, including but not limited to paragraph 38, the Figures and Tables 1-2. No new matter has been added.

Applicants expressly state that the claims, as amended, are intended to include and encompass the full scope of any equivalents as if the claims had been originally filed and not amended. Thus, Applicants hereby expressly rebut any presumption that Applicants have narrowed or surrendered any equivalents under the doctrine of equivalents by amending the claims, or by presenting any remarks in this paper, and in no way do Applicants disclaim any of the territory between the original claims and the amended claims with respect to any equivalent subject matter.

Applicants expressly reserve the right to file a divisional and/or continuation application claiming the non-elected subject matter.

II. CLAIM REJECTIONS

1. Claims 28-29 are rejected under 35 USC 112, 2nd paragraph for indefiniteness, specifically with regard to the claim terms "D" and "media flow rate". Applicants respectfully traverse and overcome this rejection for at least the following two reasons.

First, Applicants respectfully note that Claims 28-29 have been cancelled without prejudice and as such respectfully submit that the 112, 2nd paragraph rejection has thus been obviated.

Second, newly presented Claims 30-31 do not contain the allegedly indefinite claim terms. Accordingly, Applicants respectfully submit that Claims 30-31 as newly presented are definite and not subject to the indefiniteness rejection. Applicant respectfully requests that the 112, 2nd paragraph rejection be hereby withdrawn and that Claims 30-31 be placed into condition for allowance.

2. Claims 28 and 29 are rejected under 35 USC 103(a) as being unpatentable over Folena-Wasserman et al in view of Keen et al for reasons of record. The Examiner alleges that the instant claims do not require that the flow rate be constant throughout the process, but instead only comprise “starting feeding of glucose at a constant flow rate.” Applicants respectfully traverse and overcome this rejection.

First, Applicants respectfully note that Claims 28-29 have been cancelled without prejudice and as such respectfully submit that the 112, 2nd paragraph rejection has thus been obviated.

Second, newly presented Claims 30-31 require that the constant flow rate be a single constant flow rate, selected from the group consisting of flow rates from 0.3/h to 0.5/h, and thus this selected flow rate is consistent and constant throughout the process of step c). Support for this amendment can be found in the Tables 1-2, which depict over time a single, consistent and constant flow rate of 0.035/h.

This is in direct contrast to Folena-Wasserman, which teaches instead, as the Examiner acknowledges, “periodic increases in the feeding rates” (Col 11, line 68). The addition of Keen does not address the deficiency and teaching away of Folena-Wasserman. Keen et al. (US 5,316,968) are completely silent about constant glucose

concentration in the reaction vessel or a feeding strategy for the cultivation. Thus, Keen does not provide the missing claimed elements between Folena-Wasserman and the current invention, nor does Keen address the teaching away of Folena-Wasserman regarding the feed and the glucose concentration. As such, the combination of the two cited references would not lead one of ordinary skill in the art to change the glucose concentration and the feed from the teachings of Folena-Wasserman to Applicants claimed invention.

Accordingly, Applicants respectfully submit that the above obviousness rejection would not apply to Claims 30-31, as herein newly presented. Therefore, Applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn and Claims 30-31 be placed into condition for allowance.

No further fee is required in connection with the filing of this Amendment. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

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